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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,641	01/07/2002	Shinichi Fujii	15162/04250	6881

24367 7590 03/25/2004

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EXAMINER

VU, NGOC YEN T

ART UNIT	PAPER NUMBER
2612	10

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/041,641

Applicant(s)

FUJII ET AL.

Examiner

Ngoc-Yen T. Vu

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16, 24, 28 and 29 is/are allowed.
- 6) ☒ Claim(s) 17-23, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendments, filed on 01/13/2004, have been entered and made of record. Claims 1-29 are pending.

### ***Response to Arguments***

2. Applicant's arguments see paper No. 9, filed 01/13/04, with respect to claims 1-16 and 24 have been fully considered and are persuasive. The rejection of claims 1-16 and 24 has been withdrawn.

Applicant's arguments with respect to claims 17-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. Claim 28 is objected to because of the following informalities:

Line 11: change "said controller" to --said processor--;

Line 14: change "a indication" to --an indication--;

Line 21: change "a indication" to --an indication--;

Line 26: change "a indication" to --an indication--;

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 17, 18, 20-23, 25, 26 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaji et al. (US #6,476,868 B1).

The embodiments as shown in figures 30-34 and 37-38 will be used in the rejection of the following claims. Regarding claim 17, Kaji '868 teaches a digital camera comprising:

an image sensor (image pickup element 103/202) for picking up an image of a subject at a selected zoom setting and for generating a subject image (col. 30 lines 30-34; col. 31 lines 1-16; col. 33 lines 25-30);

a means for varying a zoom setting (microcomputer 212), for controlling a zoom setting at which said image sensor picks up an image of a subject;

a display (EVF 122 or LCD 207) for displaying said subject image generated by said image sensor on a screen ;

a specifying member (viewpoint detecting device T'/216) for specifying a specific position on said screen (col. 22 lines 4-39; col. 32 line 66 – col. 33 line 65);

an image pickup controller (microcomputer 110/212, AF circuit 118-122, AF circuit 209-213) for carrying out a focusing operation based upon said specified position specified by said specifying member (col. 20 line 62 – col. 26 line 2; col. 30 line 14 – col. 33 line 37);

a display controller (microcomputer 110/212, display circuit 112/209) for displaying a portion of said subject image in an enlarged manner in an enlarged area containing said specified position specified by said specifying member on said screen while maintaining said selected zoom setting for said subject image (see Fig. 31A/B) (col. 20 line 62 – col. 26 line 2; col. 30 line 14 – col. 33 line 37).

As to claim 18, Kaji teaches that said display controller displays said subject image in an enlarged manner, centered on said specified position (Figs. 31A/B).

As to claim 20, Kaji teaches an altering member (enlargement processing circuits 107/109/112 or electronic zoom 205) for altering magnification by displaying one portion of said subject image generated by said image sensor on said screen of said display in an enlarged manner (see Fig. 31B),

wherein in the case when an area other than said subject image that has been stored is displayed on the screen by said altering member, an original subject image generated by said image sensor is displayed (Fig. 31A, dotted area).

As to claim 21, Kenji shows that in the case when said subject image, displayed in an enlarged manner (see Figs. 31A/B), an area other than said subject image generated by said image sensor to be displayed on said screen of said display, said display controller makes an edge of said enlarged area coincident with an edge of said subject image (Figs. 31A/B).

As to claim 22, Kenji shows a cursor generator for generating a cursor (Figs. 31A/B, cursor X) corresponding to said specified position specified by said specifying member, and a limiter for limiting a shift of said cursor to said enlarged area by said display controller (it is inherently that a shift of the cursor corresponding to the viewpoint of a user is limited by the dimension of the LCD or EVF).

As to claim 23, Kenji teaches a cursor generator for generating a cursor (Figs. 31A/B, cursor X) corresponding to said specified position specified by said specifying member, wherein said display controller alters said enlarged area as said cursor shifts (col. 22 lines 4-39; col. 32 line 66 – col. 33 line 65).

Regarding claim 25, it is a method claim corresponding to the apparatus claim 17.

Therefore, claim 25 is analyzed and rejected as previously discussed with respect to claim 17.

As to claim 26, Kenji teaches a means for varying a zoom setting includes a variable focal length optical image pickup system (Figs. 37-38, optical system 201/201').

As to claim 27, Kenji teaches that said means for varying a zoom setting includes an electronic zoom system (Figs. 37-38, electronic zoom 205).

### ***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaji '868 in view of Miyawaki et al. (U S#6,522,360).

As to claim 19, Kenji shows that in the case when said subject image, displayed in an enlarged manner, causes an area other than said subject image generated by said image sensor to be displayed on said screen of said display (see Figs. 31A/B). Claim 19 differs from Kenji in that the claim further requires said display controller displays said area other than said subject image in a specific color. However, for the purpose of tracking and differentiating an AF area detected by a visual line detecting device, it is well known in the art to display a specific area in a specific color, as taught in Miyawaki (see Figs. 12 & 14; col. 9 lines 55-67; col. 11 lines 26-63). In light of the teaching from Miyawaki, it would have been obvious to one of ordinary skill in the art at the time the invention was made to display a specific area in a specific color so as to clearly indicate to the user the selection of a specific area.

*Allowable Subject Matter*

7. Claims 1-16, 24 and 28-29 are allowed.

*Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc-Yen T. Vu whose telephone number is 703-305-4946. The examiner can normally be reached on Mon. – Fri. from 8:00 am to 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



NGOC-YEN VU  
PRIMARY EXAMINER

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NYV  
03/19/2004